

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR  
SENATE BILL 242

**55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022**

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;  
ENACTING PRETRIAL DETENTION RELEASE MINIMUM STANDARDS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] PRETRIAL DETENTION RELEASE  
MINIMUM STANDARDS.--

A. When determining if a defendant may be released pending trial, the court shall consider any fact relevant to the nature and seriousness of the danger to any person or the community that would be posed by the defendant's release and any fact relevant to the issue of whether any conditions of release will reasonably protect the safety of any person or the community. Any available results of a pretrial risk assessment or public safety assessment approved by the supreme court for use in the jurisdiction shall not be considered dispositive but

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1 shall be considered as an equal factor. Factors considered by  
2 the court shall be weighed equally and include but are not  
3 limited to the following:

4 (1) the nature and circumstances of the  
5 offense charged, including whether the offense is a crime of  
6 violence or if a firearm was brandished or used;

7 (2) the weight of the evidence against the  
8 defendant;

9 (3) the history and characteristics of the  
10 defendant;

11 (4) any facts tending to indicate that the  
12 defendant may or may not commit new crimes if released;

13 (5) whether the defendant has been ordered  
14 detained under Article 2, Section 13 of the constitution of New  
15 Mexico based on a finding of dangerousness in another  
16 pending case or was ordered detained based on a finding of  
17 dangerousness in any prior case; and

18 (6) any available results of a pretrial risk  
19 assessment or public safety assessment approved by the supreme  
20 court for use in the jurisdiction; provided that the court  
21 shall not defer to the recommendation in the assessment but  
22 shall make an independent determination of dangerousness and  
23 community safety based on all information available at the  
24 hearing.

25 B. If the court places a defendant on twenty-four-

1 hour-per-day global positioning satellite electronic monitors,  
2 the twenty-four-hour-per-day global positioning satellite  
3 electronic monitors shall be supervised and overseen by the  
4 appropriate court official or contracted service provider at  
5 all times.

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